

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

PEGGY JEAN PEEVEY,

Plaintiff

§

§

No. 1:14-CV-262

v.

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§

CAROLYN W. COLVIN,  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant

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§

**ORDER OVERRULING OBJECTIONS AND ADOPTING  
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to her application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on January 31, 2017 (Doc. No. 16) and the Plaintiff's objections. (Doc. No. 17.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.<sup>1</sup> The court

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1. The Plaintiff's objection to the Report and Recommendation contains the same issues Peevey raised in the appeal. Plaintiff does not take into account that the ALJ set forth reasons for assigning Dr. Boswell's opinion very little weight, including the June 2012 x-ray showing no acute disease of interval change from the previous exam, an examination showing a regular heart rate and rhythm, clear lungs and no ankle swelling, a pulmonary function study that was not at the listing level, Peevey's x-rays and EKG that were essentially normal with no acute processes, her heart and lungs were normal on physical examination, her heart condition, and COPD were controlled with medication. The ALJ contrasted the extreme limitations found by Dr. Bowell with Peevey's daily activities, that included caring for her personal needs, preparing simple meals, some house cleaning, making her bed once a week, doing dishes for ten minutes, walking often in the yard, going to the store with her daughter twice a week, visiting with her sisters daily, driving a car, and playing cards once a week.

concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's findings on Plaintiff's credibility, severe impairments, residual functional capacity, the evaluation and determination of the weight accorded to the medical evidence, including the treating physician, the clinical test results, her activities of daily living, and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So **ORDERED** and **SIGNED** this 7 day of March, 2017.



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Ron Clark, United States District Judge